

Claim Central Group Appropriate Workplace Behaviour Policy

1. OVERVIEW

Claim Central Consolidated Pty Ltd and its subsidiaries (together **Claim Central**) is committed to a workplace in which all people are treated with respect and that is free from any form of unlawful behaviour, including unlawful discrimination, harassment (including sexual harassment), vilification, victimisation and bullying.

2. PURPOSE

- (a) The purpose this Appropriate Workplace Behaviour Policy (**Policy**) is to:
- (i) Ensure Claim Central Personnel are afforded a safe, productive and enjoyable work environment free from bullying, harassment and other forms of inappropriate behaviour;
 - (ii) Outline the standards of conduct and behaviour expected in the workplace;
 - (iii) Support a working environment free from inappropriate workplace behaviour;
 - (iv) Encourage the reporting of behaviour which breaches this Policy; and
 - (i) Describe how Claim Central will respond to allegations of inappropriate workplace behaviour.

3. SCOPE

- (a) This policy applies to all Directors, the Executive Team, employees, and where relevant and to the extent possible, consultants, secondees and contractors of Claim Central (**Claim Central Personnel**).
- (b) This Policy covers all communications and conduct at the workplace or which otherwise affects one or more Claim Central Personnel.
- (c) This Policy applies not only during normal working hours, but in any work-related context including conferences, work functions, office parties, business trips and to all communications involving or concerning Claim Central Personnel, including communications which occur by mobile phone, email and other electronic media (including social media).
- (d) This Policy does not create any binding obligations on Claim Central, nor does it confer any binding right or benefit on Claim Central Personnel. This Policy does not form part of any Claim Central Personnel's contract of employment. Claim Central may amend, replace or remove this Policy at any time.

4. RESPONSIBILITIES

All Claim Central Personnel have a responsibility to:

- (a) Comply with this Policy;
- (b) Treat everybody they deal with during the course of their work in a professional, fair, courteous and respectful manner;

- (c) Participate in relevant education and training provided or made available by Claim Central; and
- (d) Offer support to anyone who feels they have been exposed to inappropriate workplace behaviour and encourage them to report the behaviour and seek help.

5. INAPPROPRIATE WORKPLACE BEHAVIOUR

Various examples of inappropriate workplace behaviour are described below:

(a) Discrimination

Certain kinds of discrimination at work are unlawful in Australia. Relevant laws prohibiting such conduct include:

- * *Age Discrimination Act 2004 Cth*
- * *Anti-Discrimination Act 1977 NSW*
- * *Anti-Discrimination Act 1991 Qld*
- * *Anti-Discrimination Act 1992 NT*
- * *Anti-Discrimination Act 1998 Tas*
- * *Australian Human Rights Commission Act 1986 Cth*
- * *Discrimination Act 1991 ACT*
- * *Disability Discrimination Act 1992 Cth*
- * *Equal Opportunity Act 1984 SA*
- * *Equal Opportunity Act 1984 WA*
- * *Equal Opportunity Act 2010 Vic*
- * *Racial Discrimination Act 1975 Cth*
- * *Sex Discrimination Act 1984 Cth.*

Claim Central may be vicariously liable in some circumstances for its employees' behaviour amounting to unlawful discrimination. To avoid vicarious liability, Claim Central takes all reasonably practicable steps to prevent unlawful discrimination, including by providing education and training Claim Central Personnel and by issuing this Policy and requiring Claim Central Personnel act in compliance with its terms. It is Claim Central's expectation that all Claim Central Personnel comply with this Policy. Unlawful discrimination may take the form of direct or indirect discrimination.

Unlawful direct discrimination involves treating a person or group of people less favourably, unfairly or unequally on the basis of any particular attribute or characteristic.

Unlawful indirect discrimination occurs if the outcome of policies, practices and decisions has the effect of, unreasonably in the circumstances, disadvantaging member of a group of people who share, or are believed to share, a prescribed attribute more than a person who is not a member of that group.

The common factor is discrimination is unlawful when it is based on a protected attribute or characteristic specified by law. These attributes or characteristics include:

- (i) race or colour;
- (ii) sex;
- (iii) sexual orientation;
- (iv) age;
- (v) disability;
- (vi) marital status;
- (vii) parental status or status as a carer;
- (viii) pregnancy;
- (ix) religion;
- (x) political belief or activity;
- (xi) gender identity;
- (xii) national extraction; or
- (xiii) social origin.

(b) Harassment

Unlawful harassment means any unwelcome and unreasonable communication or conduct; whether it is verbal, physical, electronic or otherwise; towards another person, because the other person has a particular characteristic or attribute listed above relating to discrimination; in circumstances where a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

While some people may find certain behaviour funny or not be concerned by them, other people may be offended, humiliated, hurt, ridiculed or intimidated. Therefore, harassment is not always intentional. However, in harassment cases, the intention of the alleged harasser is not necessarily relevant. What is important is how the person who claims to be harassed feels as a result of the behaviour.

Harassment can be a single or repeated act of offensive behaviour. Harassment may occur through gestures, comments, or actions and may be in person or in writing including email and on social media sites.

(c) Sexual harassment

(i) Sexual harassment occurs when:

- (A) A person makes an unwelcome sexual advance;
- (B) A person makes an unwelcome request for sexual favours, to another person;
- (C) A person engages in any other unwelcome conduct of a sexual nature in relation to the other person,

in circumstances in which a reasonable person having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

(ii) Sexual harassment may take many forms including:

- (A) Physical contact (e.g. touching, brushing, pinching, kissing, embracing);
- (B) Smutty jokes, comments, teasing or innuendo;
- (C) Demands for sexual favours under the guise of promise or threat;
- (D) Displays of sexually graphic material including posters, pinups, cartoons or graffiti;
- (E) Staring or leering at a colleague or parts of their body; or
- (F) Offensive e-mail, text or other messages or screen savers.

Motive or intention is not required for behaviour to constitute sexual harassment.

(d) Racial or religious vilification

Racial or religious vilification is conduct which incites hatred against, serious contempt for, revulsion towards or severe ridicule of another person or class of people on the grounds of their race, religious belief or religious activity.

Such conduct is unlawful. If it is also intentional, it may constitute a criminal offence.

(e) Victimisation

Victimisation is subjecting or threatening to subject another person to a detriment because they have engaged in a form of activity (or propose to) including:

- (i) Making a complaint of inappropriate workplace behaviour; and
- (ii) Participating in or assisting in an investigation into inappropriate workplace behaviour.

Victimisation may include:

- (i) Demotion or dismissal;
- (ii) Bullying and intimidation;
- (iii) Being treated unfavourably;
- (iv) Isolation or exclusion;
- (v) The threat of any of the above; or
- (vi) Any other conduct or action that would discourage someone from resisting or reporting conduct that would breach this Policy.

(f) Workplace Bullying

- (i) What is workplace bullying?

Workplace bullying is repeated, and unreasonable behaviour directed towards a person or a group of people which creates a risk to health and safety.

The risk to health and safety can be physical or psychological or both.

Workplace bullying may comprise a variety of repeated and unreasonable behaviour that create a risk to health and safety.

Examples of bullying might include:

- (A) Verbal abuse including insulting and offensive language or comments;
- (B) Humiliation, victimisation, intimidation or threatening behaviours;
- (C) Unjustified criticism or complaints;
- (D) Exclusion or isolation from workplace activities or work that ordinarily forms part of a Staff member's role;
- (E) Physical, psychological or emotional harassment;
- (F) Spreading malicious rumours or misinformation about a person;
- (G) Deliberately or unreasonably withholding information that is critical to the performance of someone's role;
- (H) Changing work arrangements such as roles, rosters or leave without consultation and to the detriment of Staff; and/or
- (I) Setting impossible tasks or allocating work that is well below that person's skill level or ability.

The above examples are not exhaustive.

What is **not** workplace bullying?

Importantly, while some work situations may be challenging, they do not constitute bullying.

Some instances might include:

- (A) Reasonable performance management done in a reasonable way, such as constructive feedback and criticism, setting clear and appropriate guidelines, standards and deadlines;
- (B) Reasonable disciplinary action for unsatisfactory performance or misconduct;
- (C) Implementing organisational change such as restructuring or transferring someone for operational reasons;
- (D) Low-level workplace conflict or disputes; and
- (E) Termination of employment.

Again, the above examples are not exhaustive and other behaviours may not constitute bullying based on the relevant facts or circumstances of the particular case.

6. CLAIM CENTRAL'S POSITION

Claim Central will **not** tolerate any inappropriate behaviour, including unlawful discrimination, harassment, sexual harassment, racial and religious vilification, victimisation or bullying.

7. RESPONDING TO INAPPROPRIATE WORKPLACE BEHAVIOUR

(a) Could your behaviour be considered inappropriate?

Inappropriate workplace behaviour is not always intentional. If you are unsure whether your behaviour is offensive or inappropriate, then ask your manager or a member of the People & Advancement Team.

(b) What to do if you are being subjected to inappropriate workplace behaviour

If you are comfortable in doing so, raise the issue directly with the person or people exhibiting the behaviour to let them know that their behaviour is unwelcome and/or offensive and ask them to stop.

If the behaviour continues or you feel you are unable to directly approach the person who is behaving offensively, you may wish to report it to the People & Advancement Team.

(c) What will happen if you make a report?

- (i) A member of the People & Advancement Team will discuss various options with you in a sensitive, timely and confidential manner.
- (ii) If reasonable efforts have been made to resolve the matter but the complaint remains unresolved, one option is for you to request to have your complaint investigated. Depending on the circumstances, Claim Central may formally investigate your complaint, either through an internal person or by appointing an external investigator. Another option might include dispute resolution steps such as mediation. This is at Claim Central's discretion.

All investigations of complaints raised under this Policy will be conducted in accordance with principles of procedural fairness and natural justice. Claim Central will also endeavour to ensure that all reports of inappropriate behaviour remain strictly

confidential where possible so as to not prejudice the investigation process and to respect the privacy of those involved.

However, employees should be aware that:

- (i) Complete confidentiality may not be possible in certain circumstances, including situations where there is a serious threat to a person's health or safety or where there has been a breach of the law; and
- (ii) If an employee chooses for their identity to remain completely anonymous/confidential this can limit or prevent Claim Central's ability to effectively investigate the matter or to take appropriate action as relevant employment laws may require that a person accused of misconduct is provided with the details of the misconduct alleged.

On occasions where it is not appropriate to address an issue directly with the person accused or a member of People & Advancement, or where a matter has not been adequately resolved, employees are encouraged to report the issue to a member of the Executive Team or via Claim Central's Whistleblower Policy.

(d) What are the likely outcomes of you making a report?

If you report alleged inappropriate workplace behaviour and it is substantiated, some of the possible outcomes may include:

- (i) The inappropriate behaviour stops;
- (ii) An apology is provided;
- (iii) Agreed forms of behaviour between you and the perpetrator are formalised and noted on your respective personnel files;
- (iv) Counselling support for one or both parties;
- (v) The perpetrator undertakes refresher training;
- (vi) Disciplinary measures against the perpetrator, up to and including possible termination of employment or other engagement; and/or
- (vii) Any other action Claim Central deems appropriate.

(e) Will you be disadvantaged by making a truthful report?

No. Claim Central encourages you to report alleged inappropriate behaviour immediately or as soon as possible after the alleged offending behaviour(s) occurs. All legitimate reports will be dealt with in a timely, sensitive, impartial and confidential manner.

It is also unlawful for anyone to victimise or discriminate against a person who makes a complaint about inappropriate workplace behaviour or another person who assists that person to make a complaint about inappropriate workplace behaviour in the workplace.

If, however, you intentionally make a false or reckless complaint of inappropriate behaviour, you may be subject to disciplinary action, up to and including possible termination of your employment or engagement.

(f) Making a complaint to an external organisation

Claim Central aims to provide an environment where your concerns are addressed and resolved internally. However, it recognises that, depending on the circumstances, you

may choose to make a complaint of unlawful behaviour to an external organisation such as the Fair Work Commission or the Australian Human Rights Commission.

8. COMPLIANCE AND BREACH

- (a) Claim Central Personnel must not engage in conduct that is prohibited under this Policy. Claim Central Personnel are expected to behave in a manner consistent with Claim Central's value, treat colleagues with respect, demonstrate professionalism and comply with Claim Central's policies, procedures, plans, guidelines and standards at all times.
- (b) A breach of this Policy is a serious matter, and substantiated breaches may lead to disciplinary action ranging from counselling or a warning, up to termination of employment, depending on the severity of the breach.
- (c) If Claim Central Personnel break the law, they may also be held personally liable for their actions. Claim Central Personnel who knowingly falsely accuse another person of breaching this Policy will also be subject to appropriate disciplinary action.

9. REVIEW

This Policy will be reviewed periodically and updated in line with business and legislative requirements.